

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RUDY STANKO, individually and on  
behalf of similarly situated prisoners;

Plaintiff,

vs.

JEFF BREWER, individually,

Defendant.

**8:20CV302**

**MEMORANDUM  
AND ORDER**

This matter is before the court on the Findings and Recommendation and Order entered by Magistrate Judge Cheryl R. Zwart on August 21, 2020 (Filing 11), and on Plaintiff's Objections and Appeal (Filing 13).

Magistrate Judge's Findings and Recommendation

Judge Zwart recommends that Plaintiff's Motion to Remand (Filing 9) be denied. Upon de novo review, I find that Judge Zwart has correctly found the facts and applied the law. Her Findings and Recommendation therefore will be adopted, Plaintiff's Objection to the Findings and Recommendation will be denied, and Plaintiff's Motion to Remand will be denied.

Magistrate Judge's Order

Judge Zwart denied Plaintiff's "Objection to Removal and Removal Pleading in Wrong Venue and Vicinage" (Filing 7). Upon careful review,<sup>1</sup> I find that the challenged Order is not clearly erroneous or contrary to law. Judge Zwart's Order therefore will be sustained, and Plaintiff's Appeal will be denied.

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<sup>1</sup>To the extent the appropriate standard of review is de novo, I have conducted a de novo review.

Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation entered on August 21, 2020 (Filing 11), are adopted.
2. Plaintiff's Motion to Remand (Filing 9) is denied.
3. The Magistrate Judge's Order entered on August 21, 2020 (Filing 11), is sustained and shall not be disturbed.
4. Plaintiff's Objection and Appeal (Filing 13) are denied in all respects.

Dated this 28th day of September, 2020.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge